IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No. 6305 of 2004

Between:

D.Kaleshavali, s/o D.Maboob Shaheb,
r/o Vidyut Nagar, Ananthapur, Ananthapur District.

..... PETITIONER

AND

1. The Union of India, rep., by its Secretary, Law, Justice & Company Affairs, Sastry Bhavan, New Delhi.
2. The Indian Overseas Bank rep., by its Authorised Officer, 630, Mosque Road, V.V.Mahal Road, Tirupathi-517502.
3.The Branch Manager Indian Overseas Bank, Ananthapur Branch, Anantapur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly in the nature of Writ of Mandamus declaring the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, particularly Section 13 and Section 17 of

the Act as illegal, arbitrary and violative of Articles 14, 19(10(g) and 300-A of the Constitution of India and consequently declare the sale notice dt.6-3-2004 issued by the 2nd respondent proposing to conduct auction of the properties mentioned in the notice also as illegal and arbitrary.

Counsel for the Petitioner: Mr. M.VIJAY KUMAR

Counsel for the Respondent No.1: Mr.A.Rajasekhar Reddy,

SC for Central Government

Counsel for Respondents 2 & 3: Mr.K.Suryanarayana

The Court made the following :

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ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

In view of the decision rendered by the Honourable Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 (MARDIA CHEMICALS LTD. Vs. UNION OF INDIA & OTHERS), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, the relief prayed for cannot be granted. Writ Petition is, therefore, dismissed. No costs.

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DEVINDER GUPTA, C.J.

22.11.2004.

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M.NARAYANA REDDY, J.

ARS

To

1. The Secretary to Union of India, Law, Justice & Company Affairs, Sastry Bhavan, New Delhi.
2. The Authorised Officer Indian Overseas Bank, 630, Mosque Road, V.V.Mahal Road, Tirupathi-517502.
3.The Branch Manager, Indian Overseas Bank, Ananthapur Branch, Anantapur.

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